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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,761	02/04/2004	Paul Edward Cuddihy	138910-1	5691
6147	7590	12/20/2005		
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

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Office Action Summary	Application No. 10/772,761	Applicant(s) CUDDIHY ET AL.	
	Examiner Thomas J. Mullen, Jr.	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 and 31-45 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 15, 16, 26, 27 and 30 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9, 17-25, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/04, 6/10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2632

1. The disclosure is objected to because of the following informalities:

paragraph 0014, at the end of line 2 should be inserted a period;

paragraph 0016, line 1, after "is" should be inserted --a--;

paragraph 0026, next-to-last line, "valued" should be --value--; and

paragraph 0034, last line, "my" should be --may--.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8, 15-16, 26-27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiluk (US 4990893).

Kiluk teaches monitoring the activity of a resident in an "apartment" (or home) by monitoring energy (e.g. electricity) consumption in the home from one day to the next (as determined by sensors 5, see Fig. 1), wherein a "reference curve" (or waveform 12, see Figs. 2-3) represents individual values (or "data points") of sensed energy consumption associated with a normal level of activity of the resident over the course of a day or days (and determined in advance), and an actual electricity consumption curve (or waveform 13, see Fig. 3) represents "data points" of real-time energy consumption, to be compared with the reference curve 12. Kiluk teaches that energy consumption normally varies over the course of a day (see Fig. 2), and may be abnormally high or low for various reasons pertaining to resident activity or inactivity, see e.g. col. 1, lines 50-58. The "data points" of actual electricity consumption level are obtained "every minute" (col. 2, lines 5-6 and col. 3, lines 35-38), such that deviations between the obtained actual electricity consumption level and the corresponding reference electricity consumption level (based on one or more successive readings) are evaluated in order to determine if an alarm condition is present (col. 2, lines 57-68). Sensor signals from multiple

Art Unit: 2632

"apartments" are communicated to a remote computer 9 having associated components 10,11 (Fig. 1), for making the alarm determination (see col. 2, lines 38-48 and col. 3, lines 11-23).

Thus, as to claim 1 Kiluk discloses a system for monitoring activity of a resident, comprising at least one sensor (5); a communication platform (8); a monitoring center (9); and a "database" (10); wherein there are 1440 "time slots" per every 24 hour time cycle (one per minute).

As to claims 2-3, as noted above Kiluk teaches using up to 1440 "time slots".

As to claim 8, as discussed above communication platform 8 sends "data points" of energy consumption, in real-time (or "near real-time"), to computer 9.

As to method claim 15, reference curve 12 corresponds to "historical activity data"; the remainder of the claim is considered in accordance with the discussion of claim 1 above.

As to claim 16, as noted above Kiluk teaches that energy consumption may be abnormally high or low for various reasons pertaining to resident activity or inactivity, e.g. low electricity consumption occurring where "the occupant of the apartment is ill" (col. 1, lines 55-58); i.e., low electricity consumption corresponds to occupant "inactivity".

As to claims 26-27, as noted above Kiluk teaches using up to 1440 "time slots".

As to claim 30, as shown in Fig. 3 Kiluk "plots" new data points 13 against collated historical activity data 12.

4. Claims 10-14 and 31-45 are allowed. Claims 4-7, 9, 17-25 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant has been considered. Bergstrom et al (US 3885235), Dibner (US 4064368), Fahey et al (US 4259548), Shapiro (US 4524243) and Zayle (US 4743892) teach monitoring periods of "inactivity" of a "resident".


Art Unit: 2632

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632